

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

EDWARD TIMON GARDNER,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 5:10-cv-02604-RDP-HGD
WARDEN PATRICK and THE)	
ATTORNEY GENERAL OF THE)	
STATE OF ALABAMA,)	
)	
Respondents.)	

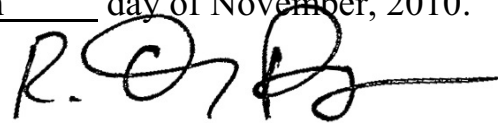
DISMISSAL ORDER

On November 10, 2010, the Magistrate Judge's Report and Recommendation was entered and the parties were allowed therein fourteen days in which to file objections to the Recommendations made by the Magistrate Judge. On November 16, 2010, Petitioner filed objections to the Magistrate Judge's Report and Recommendation.

After careful consideration of the record in this case, the Magistrate Judge's Report and Recommendation and Petitioner's objections thereto, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the Recommendations of the Magistrate Judge and it is, therefore,

ORDERED, ADJUDGED and DECREED that the petition for writ of habeas corpus in this action be and the same hereby is **DISMISSED WITHOUT PREJUDICE** to allow Petitioner the opportunity to exhaust available state remedies.

DONE and ORDERED this 29th day of November, 2010.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE